

Senate File 331

S-3057

1 Amend Senate File 331 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <DIVISION I

5 VOTER IDENTIFICATION REQUIREMENTS

6 Section 1. Section 39A.2, subsection 1, paragraph  
7 b, Code 2015, is amended by adding the following new  
8 subparagraph:

9 NEW SUBPARAGRAPH. (6) Falsely swears to an oath  
10 required pursuant to section 49.77, subsection 3, or  
11 an affidavit pursuant to section 49.81, subsection 5,  
12 paragraph "b".

13 Sec. 2. Section 48A.7A, subsection 1, paragraph a,  
14 Code 2015, is amended to read as follows:

15 a. A person who is eligible to register to vote  
16 and to vote may register on election day by appearing  
17 in person at the polling place for the precinct in  
18 which the individual resides and completing a voter  
19 registration application, making written oath, and  
20 providing proof of identity and residence proof of  
21 residence pursuant to paragraph "b".

22 Sec. 3. Section 48A.7A, subsection 1, paragraph b,  
23 Code 2015, is amended by striking the paragraph and  
24 inserting in lieu thereof the following:

25 b. (1) For purposes of this section, a person may  
26 establish identity by showing proof of identification  
27 as required in section 49.77, subsection 3.

28 (2) For purposes of this section, a person  
29 may establish proof of residence using a proof  
30 of identification document described in section  
31 49.77, subsection 3, paragraph "b", if the proof of  
32 identification contains the person's current address in  
33 the precinct. If the proof of identification does not  
34 contain the person's current address in the precinct,  
35 to establish proof of residence the person shall also  
36 present one of the following documents that shows the  
37 person's name and current address in the precinct:

- 38 (a) Utility bill.
- 39 (b) Bank statement.
- 40 (c) Paycheck.
- 41 (d) Government check.
- 42 (e) Other government document.

43 Sec. 4. Section 48A.7A, subsections 2 and 3, Code  
44 2015, are amended to read as follows:

45 2. The oath required in subsection 1, paragraph  
46 "a", and in paragraph "c", if applicable, shall be  
47 executed on the same piece of paper and attached to the  
48 voter registration application.

49 3. At any time before election day, and after the  
50 deadline for registration in section 48A.9, a person

1 who appears in person at the commissioner's office or  
2 at a satellite absentee voting station or whose ballot  
3 is delivered to a health care facility pursuant to  
4 section 53.22 may register to vote and vote an absentee  
5 ballot by following the procedure in this section  
6 for registering to vote on election day. A person  
7 who wishes to vote in person at the polling place on  
8 election day and who has not registered to vote before  
9 the deadline for registering in section 48A.9, is  
10 required to register to vote at the polling place on  
11 election day following the procedure in this section.  
12 However, the person may complete the voter registration  
13 application at the commissioner's office and, after the  
14 commissioner has reviewed the completed application,  
15 may present the application to the appropriate precinct  
16 election official along with proof of ~~identity and~~  
17 ~~residency~~ identification and proof of residence.

18 Sec. 5. Section 49.53, subsection 1, Code 2015, is  
19 amended to read as follows:

20 1. The commissioner shall not less than four  
21 nor more than twenty days before the day of each  
22 election, except those for which different publication  
23 requirements are prescribed by law, publish notice of  
24 the election. The notice shall contain a facsimile  
25 of the portion of the ballot containing the first  
26 rotation as prescribed by section 49.31, subsection 2,  
27 and shall show the names of all candidates or nominees  
28 and the office each seeks, and all public questions,  
29 to be voted upon at the election. The sample ballot  
30 published as a part of the notice may at the discretion  
31 of the commissioner be reduced in size relative to  
32 the actual ballot but such reduction shall not cause  
33 upper case letters appearing in candidates' names  
34 or in summaries of public measures on the published  
35 sample ballot to be less than nine point type. The  
36 notice shall also state the date of the election, the  
37 hours the polls will be open, that all voters will be  
38 required to show proof of identification before casting  
39 a ballot, the location of each polling place at which  
40 voting is to occur in the election, and the names of  
41 the precincts voting at each polling place, but the  
42 statement need not set forth any fact which is apparent  
43 from the portion of the ballot appearing as a part of  
44 the same notice. The notice shall include the full  
45 text of all public measures to be voted upon at the  
46 election.

47 Sec. 6. Section 49.77, subsection 3, Code 2015, is  
48 amended by striking the subsection and inserting in  
49 lieu thereof the following:

50 3. a. A precinct election official shall

1 require the voter to present for inspection proof of  
2 identification before being allowed to vote.

3 *b.* For purposes of this section, "*proof of*  
4 *identification*" refers to a document that satisfies all  
5 of the following:

6 (1) The document shows the name of the individual  
7 to whom the document was issued which shall conform to  
8 the name on the election register.

9 (2) The document shows a photograph of the  
10 individual to whom it was issued.

11 (3) The document was issued by the government of  
12 the United States, the state of Iowa, an Iowa public  
13 or private university or college, an Iowa secondary  
14 school, or a political subdivision of the state of  
15 Iowa. In the case of a document issued by a political  
16 subdivision, the document shall be issued not later  
17 than the close of voter registration for the applicable  
18 election as set forth in section 48A.9 and shall  
19 meet all other requirements established by the state  
20 commissioner by rule.

21 *c.* In lieu of paragraph "*b*", a person wishing to  
22 vote may establish proof of identity by written oath  
23 of the person wishing to vote and of an attesting  
24 person who provides proof of identification pursuant  
25 to paragraph "*b*". The oath shall be in the form  
26 prescribed by the state commissioner of elections  
27 and shall state the identity and attest to the stated  
28 identity of the person wishing to vote. The oath  
29 must be signed by the attesting person and the person  
30 wishing to vote in the presence of the appropriate  
31 precinct election official. A person who has signed an  
32 oath attesting to a person's identity as provided in  
33 this paragraph is prohibited from signing any further  
34 oaths as provided in this paragraph for the same  
35 election. The oath shall advise the person wishing to  
36 vote and the attesting person that falsely signing such  
37 an oath or falsely attesting to a voter's identity is  
38 a class "D" felony.

39 *d.* The commissioner shall, within forty-five days  
40 after each election, review all attestations received  
41 under this subsection and if any individual is found to  
42 have attested for more than one voter in a particular  
43 election, the commissioner shall immediately notify the  
44 state commissioner and the county attorney.

45 Sec. 7. Section 49.77, Code 2015, is amended by  
46 adding the following new subsection:

47 NEW SUBSECTION. 3A. *a.* If proof of identification  
48 or proof of identity is established under subsection 3,  
49 the person shall be allowed to vote.

50 *b.* If a person is unable or refuses to present

1 proof of identification, or the precinct election  
2 official determines the proof of identification  
3 presented by the person does not qualify as proof of  
4 identification under subsection 3, paragraph "b",  
5 or proof of identity under subsection 3, paragraph  
6 "c", the person shall be offered the option to vote a  
7 ballot, but only in accordance with section 49.81.

8 Sec. 8. Section 49.77, subsection 4, paragraph a,  
9 Code 2015, is amended to read as follows:

10 a. A person whose name does not appear on the  
11 election register of the precinct in which that person  
12 claims the right to vote shall not be permitted to  
13 vote, unless the person affirms that the person is  
14 currently registered in the county ~~and presents proof~~  
15 ~~of identity~~, or the commissioner informs the precinct  
16 election officials that an error has occurred and that  
17 the person is a registered voter of that precinct, and  
18 the person presents proof of identification pursuant  
19 to subsection 3. If the commissioner finds no record  
20 of the person's registration but the person insists  
21 that the person is a registered voter of that precinct,  
22 the precinct election officials shall allow the person  
23 to cast a ballot in the manner prescribed by section  
24 49.81.

25 Sec. 9. Section 49.81, subsection 1, Code 2015, is  
26 amended to read as follows:

27 1. A prospective voter who is prohibited under  
28 section 48A.8, subsection 4, section 49.77, subsection  
29 3A, paragraph "b", section 49.77, subsection 4, section  
30 49.80, or section 53.19, subsection 3, or section  
31 53.22, subsection 1, paragraph "d", from voting except  
32 under this section shall be notified by the appropriate  
33 precinct election official that the voter may cast a  
34 provisional ballot. The voter shall mark the ballot  
35 and immediately seal it in an envelope of the type  
36 prescribed by subsection 4. The voter shall deliver  
37 the sealed envelope to a precinct election official who  
38 shall deposit it in an envelope marked "provisional  
39 ballots". The ballot shall be considered as having  
40 been cast in the special precinct established by  
41 section 53.20 for purposes of the postelection canvass.

42 Sec. 10. Section 49.81, subsection 2, paragraph b,  
43 Code 2015, is amended to read as follows:

44 b. If the person is casting a provisional ballot  
45 because the person ~~failed~~ was unable or refused to  
46 provide a required form of identification pursuant to  
47 section 48A.8, subsection 4, section 49.77, subsection  
48 3A, paragraph "b", section 49.77, subsection 4, or  
49 section 53.22, subsection 1, paragraph "d", a list of  
50 the types of acceptable identification and notification

1 that the person must show identification before the  
2 ballot can be counted.

3 Sec. 11. Section 49.81, Code 2015, is amended by  
4 adding the following new subsection:

5 NEW SUBSECTION. 5. a. If a voter casts a  
6 provisional ballot pursuant to section 49.77,  
7 subsection 3A, paragraph "b", the precinct election  
8 official shall indicate on the provisional ballot  
9 envelope that the voter is casting a provisional ballot  
10 due to the voter's inability or refusal to present  
11 proof of identification.

12 b. At the time a provisional ballot is cast the  
13 voter may also execute an affidavit in the form  
14 prescribed by the state commissioner which shall be  
15 attached to the provisional ballot envelope, affirming  
16 that the voter is the person the voter claims to be and  
17 further affirming either of the following:

18 (1) The voter is indigent and is unable to obtain  
19 proof of identification without the payment of a fee.

20 (2) The voter has a religious objection to being  
21 photographed.

22 c. A provisional ballot cast pursuant to section  
23 49.77, subsection 3A, paragraph "b", which is  
24 accompanied by an affidavit executed pursuant to  
25 paragraph "b" of this subsection shall be presumed  
26 valid by the special precinct board and shall be  
27 counted unless additional written statements or  
28 documents are delivered to the commissioner's office  
29 prior to the date provisional ballots are considered  
30 by the special precinct election board and the special  
31 precinct election board determines such additional  
32 evidence successfully rebuts the presumption of  
33 validity.

34 Sec. 12. Section 53.10, subsection 2, Code 2015, is  
35 amended to read as follows:

36 2. Each person who wishes to vote by absentee  
37 ballot at the commissioner's office shall first sign  
38 an application for a ballot including the following  
39 information: name, current address, and the election  
40 for which the ballot is requested. The person may  
41 report a change of address or other information on  
42 the person's voter registration record at that time.  
43 The person must also provide proof of identification  
44 pursuant to section 49.77, subsection 3, or be offered  
45 the option to vote a provisional ballot pursuant to  
46 section 49.77, subsection 3A, paragraph "b", before  
47 receiving an absentee ballot. Upon receipt of the  
48 absentee ballot, the registered voter shall immediately  
49 mark the ballot; enclose the ballot in a secrecy  
50 envelope, if necessary, and seal it in the envelope

1 marked with the affidavit; subscribe to the affidavit  
2 on the reverse side of the envelope; and return the  
3 absentee ballot to the commissioner. The commissioner  
4 shall record the numbers appearing on the application  
5 and affidavit envelope along with the name of the  
6 registered voter.

7 Sec. 13. Section 53.22, subsection 1, Code 2015, is  
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. d. Before receiving a ballot  
10 under this subsection, each applicant shall present  
11 proof of identification pursuant to section 49.77,  
12 subsection 3, to the special precinct election board  
13 members. If an applicant is unable to present proof of  
14 identification, the applicant shall have an opportunity  
15 to execute an affidavit in the form prescribed by the  
16 state commissioner of elections affirming that the  
17 voter does not have and is unable to obtain proof  
18 of identification and that the voter resides in a  
19 hospital or health care facility and is casting a  
20 ballot pursuant to this section. If the applicant  
21 refuses to execute an affidavit, the voter's ballot  
22 shall be considered a provisional ballot cast pursuant  
23 to section 49.81.

24 Sec. 14. Section 321.190, subsection 1, paragraph  
25 d, Code 2015, is amended to read as follows:

26 d. The fee for a nonoperator's identification card  
27 shall be eight dollars and the card shall be valid for  
28 a period of eight years from the date of issuance.  
29 If an applicant for a nonoperator's identification  
30 card is a foreign national who is temporarily present  
31 in this state, the nonoperator's identification card  
32 shall be issued only for the length of time the foreign  
33 national is authorized to be present as determined by  
34 the department, not to exceed two years. An issuance  
35 fee shall not be charged for a person whose driver's  
36 license or driving privilege has been suspended  
37 under section 321.210, subsection 1, paragraph "a",  
38 subparagraph (3), or voluntarily surrendered by the  
39 person in lieu of suspension under section 321.210,  
40 subsection 1, paragraph "a", subparagraph (3), or for  
41 a person obtaining an identification card to be used  
42 under section 49.77, subsection 3, for voting purposes.  
43 Identification cards obtained for voting purposes shall  
44 be labeled by the department as "For Voting Purposes  
45 Only".

#### 46 DIVISION II

#### 47 CONFORMING PROVISIONS

48 Sec. 15. Section 48A.8, subsection 2, unnumbered  
49 paragraph 1, Code 2015, is amended to read as follows:

50 An eligible elector who registers by mail and who

1 has not previously voted in an election for federal  
2 office in the county of registration shall be required  
3 to provide additional identification documents when  
4 voting for the first time in the county, unless the  
5 registrant provided on the registration form the  
6 registrant's Iowa driver's license number, or the  
7 registrant's Iowa nonoperator's identification card  
8 number, or the last four numerals of the registrant's  
9 social security number and the driver's license,  
10 nonoperator's identification, or partial social  
11 security number matches an existing state or federal  
12 identification record with the same number, name, and  
13 date of birth. If the registrant is required to show  
14 additional identification under this subsection and  
15 votes in person at the polls, or by absentee ballot  
16 at the commissioner's office or at a satellite voting  
17 station, the registrant shall provide a current and  
18 valid photo identification card, or shall present to  
19 the appropriate election official one of the following  
20 current documents that shows the name and address of  
21 the registrant:

22 Sec. 16. Section 48A.8, subsection 4, Code 2015, is  
23 amended to read as follows:

24 4. A registrant under subsection 2 who is required  
25 to present additional identification when casting  
26 a ballot in person shall be permitted to vote a  
27 provisional ballot if the voter does not provide the  
28 required additional identification documents pursuant  
29 to subsection 2. If a voter who is required to present  
30 such additional identification when casting a ballot  
31 votes an absentee ballot by mail, the ballot returned  
32 by the voter shall be considered a provisional ballot  
33 pursuant to sections 49.81 and 53.31.

34 Sec. 17. Section 48A.27, subsection 4, paragraph  
35 c, subparagraph (2), Code 2015, is amended to read as  
36 follows:

37 (2) The notice shall contain a statement in  
38 substantially the following form:

39 Information received from the United States postal  
40 service indicates that you are no longer a resident of,  
41 and therefore not eligible to vote in (name of county)  
42 County, Iowa. If this information is not correct,  
43 and you still live in (name of county) County, please  
44 complete and mail the attached postage paid card at  
45 least ten days before the primary or general election  
46 and at least eleven days before any other election at  
47 which you wish to vote. If the information is correct  
48 and you have moved, please contact a local official  
49 in your new area for assistance in registering there.  
50 ~~If you do not mail in the card, you may be required~~

1 ~~to show identification before being allowed to vote~~  
2 ~~in (name of county) County.~~ If you do not return the  
3 card, and you do not vote in an election in (name of  
4 county) County, Iowa, on or before (date of second  
5 general election following the date of the notice) your  
6 name will be removed from the list of voters in that  
7 county.

8 Sec. 18. Section 48A.29, subsection 1, paragraph b,  
9 Code 2015, is amended to read as follows:

10 b. The notice shall contain a statement in  
11 substantially the following form:

12 Information received from the United States postal  
13 service indicates that you are no longer a resident  
14 of (residence address) in (name of county) County,  
15 Iowa. If this information is not correct, and you  
16 still live in (name of county) County, please complete  
17 and mail the attached postage paid card at least ten  
18 days before the primary or general election and at  
19 least eleven days before any other election at which  
20 you wish to vote. If the information is correct, and  
21 you have moved, please contact a local official in your  
22 new area for assistance in registering there. ~~If you~~  
23 ~~do not mail in the card, you may be required to show~~  
24 ~~identification before being allowed to vote in (name~~  
25 ~~of county) County.~~ If you do not return the card, and  
26 you do not vote in some election in (name of county)  
27 County, Iowa, on or before (date of second general  
28 election following the date of the notice) your name  
29 will be removed from the list of voters in that county.

30 Sec. 19. Section 48A.29, subsection 3, paragraph b,  
31 Code 2015, is amended to read as follows:

32 b. The notice shall contain a statement in  
33 substantially the following form:

34 Information received by this office indicates that  
35 you are no longer a resident of (residence address) in  
36 (name of county) County, Iowa. If the information is  
37 not correct, and you still live at that address, please  
38 complete and mail the attached postage paid card at  
39 least ten days before the primary or general election  
40 and at least eleven days before any other election at  
41 which you wish to vote. If the information is correct,  
42 and you have moved within the county, you may update  
43 your registration by listing your new address on the  
44 card and mailing it back. If you have moved outside  
45 the county, please contact a local official in your  
46 new area for assistance in registering there. ~~If you~~  
47 ~~do not mail in the card, you may be required to show~~  
48 ~~identification before being allowed to vote in (name~~  
49 ~~of county) County.~~ If you do not return the card, and  
50 you do not vote in some election in (name of county)

1 County, Iowa, on or before (date of second general  
2 election following the date of the notice) your name  
3 will be removed from the list of registered voters in  
4 that county.

5                                   DIVISION III  
6                                   APPLICABILITY

7       Sec. 20. APPLICABILITY. This Act applies to  
8 elections held on or after January 1, 2017.>

9       2. Title page, by striking lines 1 and 2 and  
10 inserting <An Act relating to proof of identification  
11 and proof of residence in order to register to vote or  
12 to vote, establishing a criminal offense for falsely  
13 swearing certain oaths and affidavits, and including  
14 applicability provisions.>

15       3. By renumbering as necessary.

---

MARK CHELGREN